

SENATE BILL 570

J1

11r0050
CF HB 737

By: The President (By Request – Administration)

Introduced and read first time: January 26, 2021

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Emergency Services – Exposure to Contagious Diseases and Viruses –**
3 **Notification and Other Requirements**

4 FOR the purpose of altering the definition of “contagious disease or virus” for the purposes
5 of certain provisions of law governing the notification of a possible exposure of certain
6 emergency services personnel to include 2019–nCoV; extending certain notification
7 requirements regarding possible exposure to a contagious disease or virus to certain
8 emergency medical services clinicians; requiring that certain emergency medical
9 services clinicians receive certain training and certain equipment; applying to
10 agencies that employ certain emergency medical services clinicians certain
11 requirements regarding the development of certain procedures; authorizing certain
12 facilities and certain physicians to enter into an agreement with the
13 State–Designated Health Information Exchange to facilitate the process for
14 providing certain notices; making conforming changes; defining certain terms;
15 altering certain definitions; and generally relating to emergency services and
16 exposure of personnel to contagious diseases and viruses.

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 18–213, 18–213.1, and 18–213.2
20 Annotated Code of Maryland
21 (2019 Replacement Volume and 2020 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **Article – Health General**

25 18–213.

26 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) “Contagious disease or virus” means:

- (i) Human immunodeficiency virus (HIV);
- (ii) Meningococcal meningitis;
- (iii) Tuberculosis;
- (iv) Mononucleosis;
- (v) Any form of viral hepatitis, including but not limited to hepatitis E, F, and G;
- (vi) Diphtheria;
- (vii) Plague;
- (viii) Hemorrhagic fevers; [or]
- (ix) Rabies; **OR**
- (x) **2019–NCoV.**

15 (4) (i) "Correctional officer" means a member of a correctional unit who
16 is charged with and actually performs those duties that relate to the investigation, care,
17 custody, control, or supervision of persons confined to places of incarceration.

(ii) "Correctional officer" includes any sheriff, warden, superintendent, or any other person having an equivalent title.

23 **[5] (6)** “Law enforcement officer” means any person who, in an official
24 capacity, is authorized by law to make arrests and who is a member of one of the following
25 law enforcement agencies:

26 (i) The Department of State Police;
27 (ii) The Baltimore City Police Department;

- (iii) The police department, bureau, or force of any county;
- (iv) The police department, bureau, or force of any incorporated city
- (v) The office of the sheriff of any county;
- (vi) The police department, bureau, or force of any bicounty agency, institution of the University System of Maryland, Morgan State University, or of any institution under the jurisdiction of the Maryland Higher Education Commission;
- (vii) The Maryland Transit Administration police force of the Maryland Transportation, the Maryland Transportation Authority Police Force, and Administration police force of the Department of Transportation;
- (viii) The law enforcement officers of the Department of Natural Resources;
- (ix) The Field Enforcement Bureau of the Comptroller's Office;
- (x) The Crofton Police Department;
- (xi) The Intelligence and Investigative Division of the Department of Correctional Services; or
- (xii) The Ocean Pines Police Department.

[(6)] (7) “Medical care facility” means a hospital as defined in § 19–301 of
or a health care facility of a correctional institution.

(8) “STATE-DESIGNATED HEALTH INFORMATION EXCHANGE”
HEALTH INFORMATION EXCHANGE DESIGNATED FOR THE STATE UNDER
THIS ARTICLE.

24 (b) (1) While treating or transporting an ill or injured patient to a medical care
25 facility or while acting in the performance of duty, if a paid or volunteer fire fighter,
26 [emergency medical technician, or] rescue squadman, **OR EMS CLINICIAN** comes into
27 contact with a patient who is subsequently diagnosed as having a contagious disease or
28 virus, as a result of information obtained in conjunction with the services provided during
29 the visit to the facility, the attending physician, medical examiner, a designee of the medical
30 care facility who receives the patient, the Chief Medical Examiner, or the Chief Medical
31 Examiner's designee shall notify the fire fighter, [emergency medical technician, or] rescue
32 squadman, **OR EMS CLINICIAN**, and the employer or employer's designee of the
33 individual's possible exposure to the contagious disease or virus.

4 (c) If, while treating or transporting an ill or injured patient to a medical care
5 facility or while acting in the performance of duty, a law enforcement officer comes into
6 contact with a patient who is subsequently diagnosed, as a result of information obtained
7 in conjunction with the services provided during the visit to the facility, as having a
8 contagious disease or virus, the attending physician, medical examiner, a designee of the
9 medical care facility who receives the patient, the Chief Medical Examiner or the Chief
10 Medical Examiner's designee shall notify the law enforcement officer and the officer's
11 employer or employer's designee of the officer's possible exposure to the contagious disease
12 or virus.

13 (d) If, while treating or transporting an ill or injured inmate to a medical care
14 facility or while acting in the performance of duty, a correctional officer comes into contact
15 with an inmate who is subsequently diagnosed, as a result of information obtained in
16 conjunction with the services provided during the visit to the facility, as having a contagious
17 disease or virus, the attending physician, medical examiner, a designee of the medical care
18 facility that receives the inmate, the Chief Medical Examiner, or the Chief Medical
19 Examiner's designee shall notify the correctional officer and the correctional officer's
20 correctional institution or the correctional institution's designee of the officer's possible
21 exposure to the contagious disease or virus.

22 (e) The notification required under subsection (b), (c), or (d) of this section shall:

23 (1) Be made within 48 hours, or sooner, of confirmation of the patient's
24 diagnosis;

25 (2) Include subsequent written confirmation of possible exposure to the
26 contagious disease or virus;

27 (3) Be conducted in a manner that will protect the confidentiality of the
28 patient; and

29 (4) To the extent possible, be conducted in a manner that will protect the
30 confidentiality of the fire fighter, [emergency medical technician,] rescue squadman, **EMS**
31 **CLINICIAN**, law enforcement officer, or correctional officer.

32 (f) The written confirmation required under subsection (e)(2) of this section shall
33 constitute compliance with this section.

34 (g) Each medical care facility shall develop written procedures for the
35 implementation of this section, and, upon request, make copies available to the local fire
36 authority, the local fire authority's designee, the local law enforcement authority, the local
37 law enforcement authority's designee, the correctional officer, or the correctional
38 institution's designee having jurisdiction.

16 (j) A fire fighter, [emergency medical technician,] rescue squadman, **EMS**
17 **CLINICIAN**, law enforcement officer, or correctional officer shall receive from their
18 employers or local governmental bodies, at the expense of the employer or local
19 governmental body, as part of their training, education on:

20 (1) (i) The routes of transmission of HIV and hepatitis B virus; and

24 (2) The current Centers for Disease Control and Prevention guidelines for
25 preventing prehospital exposure to HIV and hepatitis B while rendering emergency
26 medical care.

27 (k) A fire fighter, [emergency medical technician,] rescue squadman, **EMS**
28 **CLINICIAN**, law enforcement officer, or correctional officer shall receive from their
29 employers, associations, or local governmental bodies, at the employers', associations', or
30 local governmental bodies' expense, equipment recommended by the Centers for Disease
31 Control and Prevention to protect a fire fighter, [emergency medical technician,] rescue
32 squadman, **EMS CLINICIAN**, law enforcement officer, or correctional officer from exposure
33 to HIV and hepatitis B while rendering emergency medical care.

1 **EMS CLINICIAN**, law enforcement officer, or correctional officer shall develop written
2 procedures for the implementation of this section.

6 (m) A person under this section may not refuse to treat or transport an individual
7 because the individual is HIV positive.

8 18-213.1.

9 (a) (1) In this section the following words have the meanings indicated.

(2) (i) "Body fluids" means:

1. Any fluid containing visible blood, semen, or vaginal
2 secretions; or

2. Cerebral spinal fluid, synovial, or amniotic fluid.

(ii) "Body fluid" does not include saliva, stool, nasal secretions, sputum, tears, urine, or vomitus.

(3) "Contact exposure" means as between a patient and a sworn member of the State Fire Marshal's office:

(i) Percutaneous contact with blood or body fluids;

.9 (ii) Mucocutaneous contact with blood or body fluids;

(iii) Open wound, including dermatitis, exudative lesions, or chapped skin, contact with blood or body fluids for a prolonged period; or

22 (iv) Intact skin contact with large amounts of blood or body fluids for
23 a prolonged period.

24 (4) "Contagious disease or virus" means:

25 (i) Human immunodeficiency virus (HIV);

26 (ii) Meningococcal meningitis;

27 (iii) Tuberculosis;

28 (iv) Mononucleosis;

(5) "Medical care facility" means a hospital as defined in § 19–301 of this article or a health care facility of a correctional institution.

(6) "STATE-DESIGNATED HEALTH INFORMATION EXCHANGE" MEANS THE HEALTH INFORMATION EXCHANGE DESIGNATED FOR THE STATE UNDER § 19-143 OF THIS ARTICLE.

26 (c) The notification required under subsection (b) of this section shall;

27 (1) Be made within 48 hours of confirmation of the patient's diagnosis;

28 (2) Include subsequent written confirmation of possible contact exposure
29 to the contagious disease or virus;

30 (3) Be conducted in a manner that will protect the confidentiality of the
31 patient; and

(4) To the extent possible, be conducted in a manner that will protect the confidentiality of the sworn member of the State Fire Marshal's office.

8 (f) A medical care facility, physician, Chief Medical Examiner, or the Chief
9 Medical Examiner's designee acting in good faith to provide notification in accordance with
10 this section may not be liable in any cause of action related to the breach of patient
11 confidentiality.

12 (g) A medical care facility, physician, Chief Medical Examiner, or the Chief
13 Medical Examiner's designee acting in good faith to provide notification in accordance with
14 this section may not be liable in any cause of action for:

24 (1) (i) The routes of transmission of HIV and hepatitis B virus; and

25 (ii) The routes by which a sworn member of the State Fire Marshal's
26 office may be exposed to HIV and hepatitis B virus; and

(2) The current Centers for Disease Control and Prevention guidelines for preventing prehospital exposure to HIV and hepatitis B while rendering emergency medical care.

6 (k) A person under this section may not refuse to treat or transport an individual
7 because the individual is HIV positive.

8 18-213.2.

9 (a) (1) In this section the following words have the meanings indicated.

0 (2) (i) "Body fluids" means:

1. Any fluid containing visible blood, semen, or vaginal

12 secretions; or

2. Cerebral spinal fluid, synovial, or amniotic fluid.

(ii) "Body fluids" does not include saliva, stool, nasal secretions, sputum, tears, urine, or vomitus.

16 (3) "Contact exposure" means as between a decedent and a first responder;

(i) Percutaneous contact with blood or body fluids;

(ii) Mucocutaneous contact with blood or body fluids;

(iii) Open wound, including dermatitis, exudative lesions, or chapped

20 skin, contact with blood or body fluids for a prolonged period; or

(iv) Intact skin contact with large amounts of blood or body fluids for

23 (4) "Contagious disease or virus" means:

(i) Human immunodeficiency virus (HIV);

(ii) Meningococcal meningitis;

(iii) Tuberculosis;

(iv) Mononucleosis;

1 (v) Any form of viral hepatitis, including but not limited to hepatitis
2 A, B, C, D, E, F, and G;

3 (vi) Diphtheria;

4 (vii) Plague;

5 (viii) Hemorrhagic fevers; [or]

6 (ix) Rabies; OR

7 (X) 2019–nCoV.

(5) "Correctional institution" means a place of detention or correctional confinement operated by or for the State or a local government.

13 (ii) "Correctional officer" includes any sheriff, warden,
14 superintendent, or other individual having the equivalent title.

15 (7) "First responder" means a:

16 (i) Firefighter;

17 (ii) Emergency medical technician;]

(II) EMERGENCY MEDICAL SERVICES CLINICIAN (EMS CLINICIAN), AS DEFINED IN § 18-213 OF THIS SUBTITLE;

20 (iii) Rescue squad member;

21 (iv) Law enforcement officer;

22 (v) Correctional officer; or

23 (vi) Sworn member of the State Fire Marshal's office.

27 (i) The Department of State Police;

- (ii) The Baltimore City Police Department;
- (iii) The police department, bureau, or force of any county;
- (iv) The police department, bureau, or force of any incorporated city
- (v) The office of the sheriff of any county;
- (vi) The police department, bureau, or force of any bicoounty agency institution of the University System of Maryland, Morgan State University, or of any institution under the jurisdiction of the Maryland Higher Education Commission;
- (vii) The Maryland Aviation Administration police force of the Department of Transportation, the Maryland Transit Administration police force of the Department of Transportation, the Maryland Transportation Authority police force, and the Maryland State Police force of the Department of Transportation;
- (viii) The law enforcement officers of the Department of Natural Resources;
- (ix) The Field Enforcement Bureau of the Comptroller's Office;
- (x) The Intelligence and Investigative Division of the Department of Correctional Services; or
- (xi) The Maryland Capitol Police of the Department of General Services;

“Medical care facility” means a hospital, or a health care facility of a hospital.

(11) "STATE-DESIGNATED HEALTH INFORMATION EXCHANGE" means a health information exchange designated for the state under this article.

30 (b) (1) If, while transporting a person to a medical care facility or while acting
31 in the performance of duty, a first responder comes into contact exposure while treating or
32 transporting a person who dies at the scene or while being transported and who is

1 subsequently determined, as a result of information obtained in conjunction with a
2 postmortem examination by the Chief Medical Examiner or a designee of the Chief Medical
3 Examiner to have had a contagious disease or virus at the time of death, the physician
4 performing the postmortem examination shall notify the first responder and the first
5 responder's employer or the employer's designee of the first responder's possible contact
6 exposure to the contagious disease or virus.

10 (c) The notification required under subsection (b) of this section shall:

13 (2) Include subsequent written confirmation of possible contact exposure
14 to the contagious disease or virus;

15 (3) Be conducted in a manner that will protect the confidentiality of the
16 deceased person; and

17 (4) To the extent possible, be conducted in a manner that will protect the
18 confidentiality of the first responder.

19 (d) The written confirmation required under subsection (c)(2) of this section shall
20 constitute compliance with this section.

24 (f) A medical care facility or physician performing a postmortem examination
25 acting in good faith to provide notification in accordance with this section is not liable in
26 any cause of action for:

27 (1) The failure to give the required notice if the first responder fails to
28 properly initiate the notification procedures developed by the medical care facility and the
29 Chief Medical Examiner under subsection (g) of this section; or

30 (2) The failure of the employer or the employer's designee to subsequently
31 notify the first responder of the possible contact exposure to a contagious disease or virus.

5 (h) A person covered under subsection (a)(5), (6), (7), (8), (9), and (10) of this
6 section may not refuse to treat or transport a deceased person because the deceased person
7 was HIV positive at the time of death.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2021.